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OF COUNSEL

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A. JEFFREY WEISS*****

*ALSO ADMITTED IN D. PUERTO RICO AND U.S.V.I
**ADMITTED IN FRANCE ONLY
***ADMITTED IN SWITZERLAND ONLY
****ADMITTED IN CHINA ONLY
*****ALSO ADMITTED IN U.S.V.I AND ILL.

August 14, 2024

Via Electronic Case Filing (ECF) Only

Honorable Nelson S. Roman
United States District Judge, Southern District of New York
The Hon. Charles L. Briant Jr.
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, New York 10601-4150

Re: *United States v. Raysa Stephany Colon*
23 Cr. 261 (NSR) -06

Dear Judge Roman,

I write as the attorney for the above-referenced Raysa Colon to request the Court's permission to withdraw as Ms. Colon's attorney.

On Tuesday, August 6, 2024, Ms. Colon was arrested by FBI agents and charged in this district under docket number 24 MAG 2844 ("Complaint") with various offenses related, tangentially, to the within case before your Honor. The charges include, *inter alia*, Conspiracy to Commit Wire Fraud, Aggravated Identity Theft, False Statements, and False Records offenses. The gist of the charges are that Ms. Colon and two others fraudulently attempted to circumvent this Court's Order regarding Ms. Colon's bail conditions. In connection with these alleged offenses, Ms. Colon used the services of her lawyer to carry out the fraud.

Specifically, the Complaint alleges that:

COLON, *through her lawyer*, sought the consent of the U.S. Attorney's Office [regarding a change in the defendant's bail conditions] and "[t]o that end *caused her lawyer* to email the U.S. Attorney's Office a draft letter to the court, asserting, in substance that the Apartment was occupied by Victim-1, who was COLON's cousin, and a doctor – none of

**Privately retained defense counsel
Lawrence Schoenbach's request to
withdraw as counsel of record is
GRANTED. A Financial Affidavit on
behalf of Deft. Colon (06) was filed
and approved in 1:24-mj-02844-
UA-3. Accordingly, Angus James Bell
is appointed as CJA counsel of
record. Clerk of Court is requested to
terminate the motion at ECF No. 100.
Dated: White Plains, NY**

August 16, 2024

SO ORDERED:

HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

MEMO ENDORSED

LAW OFFICES OF
LAWRENCE H. SCHOENBACH, ESQ.

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which was true. COLON further *caused her lawyer* to email a lease document for the Apartment to the U.S. Attorney's Office. This lease document was completely fabricated and did not contain the names of Victim-1 or the Apartment's actual landlord (the "Landlord"). COLON *caused her lawyer* to send other emails to the U.S. Attorney's Office affirming various aspects of the case." Emphasis added.

See Complaint, annexed hereto, at 3-4, ¶9.

Further, in a brief conversation with the prosecutors and case agent in this case following Ms. Colon's new arrest, it was confirmed that, in fact, I was "the lawyer" that made the representations cited above. Frankly, having read the Complaint, I readily understood that I was the attorney referenced in the Complaint. The government also informed me that, because of the government's anticipated assertion of the crime-fraud exception to the attorney-client privilege,¹ it was likely that I could be called as a witness in the new case. DR 1.16 of the New York Rules of Professional Responsibility require that an attorney withdraw from the representation of a client where "(3) the client has used the lawyer's services to perpetrate a crime or fraud."

Based upon these charges and the facts upon which they are founded, I believe there exists a non-waivable conflict of interest and that my withdrawal as Ms. Colon's attorney is required.

Under the circumstances I have refrained from contact with the government since Ms. Colon's new arrest (save for the one conversation noted above) and thus cannot represent the government's position regarding this motion. However, I can represent that the government informed me that in my one conversation with the government following Ms. Colon's arrest, they

¹ The crime-fraud exception is a common law doctrine that is often codified as a rule of evidence. The attorney-client privilege does not protect communications concerning ongoing or future wrongdoing. The U.S. Supreme Court has explained:

The attorney-client privilege must necessarily protect the confidences of wrongdoers, but the reason for that protection—the centrality of open client and attorney communication to the proper functioning of our adversary system of justice—ceases to operate at a certain point, namely, where the desired advice refers not to prior wrongdoing, but to future wrongdoing. It is the purpose of the crime-fraud exception to the attorney-client privilege to assure that the "seal of secrecy" between lawyer and client does not extend to communications "made for the purpose of getting advice for the commission of a fraud or crime."

United States v. Zolin, 491 U.S. 554, 562 (1989).

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too believe that a non-waivable conflict exists such that my representation of Ms. Colon must be terminated.

Accordingly, I respectfully request that I be permitted to be relieved as attorney for Raisa Stefany Colon and that new counsel be appointed.²

Thank you for your consideration.

Very truly yours,

LAW OFFICES OF
LAWRENCE H. SCHOENBACH



By: _____
Lawrence H. Schoenbach, Esq.

LHS/sms

Cc: AUSA Timothy Josiah Pertz, Esq. (via ECF only)
James Bell, Esq.

² At Ms. Colon's presentment on the Complaint in Magistrate's Court on Monday, August 5, 2024 the Court appointed James Bell, Esquire to represent Ms. Colon pursuant to the Criminal Justice Act.